

House Study Bill 53

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
AGRICULTURE AND LAND
STEWARDSHIP BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to appropriations for soil and water
2 conservation.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1125DP 83
5 da/rj/5

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1 1 DIVISION I
1 2 LONG=TERM SOIL AND WATER MANAGEMENT PRACTICES
1 3 Section 1. STUDY OF THE IMPACTS OF AGRICULTURAL LAND
1 4 MANAGEMENT ON IOWA HYDROLOGY. There is appropriated from the
1 5 general fund of the state to the department of agriculture and
1 6 land stewardship for the fiscal period beginning July 1, 2009,
1 7 and ending June 30, 2011, the following amount, or so much
1 8 thereof as is necessary, to be used for the purposes
1 9 designated:
1 10 For purposes of establishing a research project to study
1 11 the impact of agricultural land management on Iowa's
1 12 hydrology, including salaries, support, maintenance, and
1 13 miscellaneous purposes:
1 14 \$ 790,500
1 15 1. The department may use a combination of new and
1 16 existing sites to evaluate all of the following:
1 17 a. The use of hydrologic modeling tools to evaluate how
1 18 watersheds could be designed or redesigned to reduce the
1 19 downstream hydrologic footprint and water quality impacts of
1 20 Iowa agriculture under a range of precipitation patterns,
1 21 including but not limited to extreme precipitation events, and
1 22 under a range of extreme precipitation event frequencies.
1 23 b. The impact of long-term soil and water practices on
1 24 surface water runoff using plot-scale measurements by
1 25 addressing how tillage practices impact surface water runoff
1 26 under a range of natural precipitation patterns and whether
1 27 reduced tillage practices reduce volumes and rates of surface
1 28 water runoff.
1 29 c. The impact of buffers and complete conversion of crop
1 30 land to perennial vegetation on surface water runoff using
1 31 hill-slope scale measurements.
1 32 d. The drainage impacts on surface water runoff on
1 33 field-scale areas, including the impact of subsurface drainage
1 34 on surface runoff using small field-scale areas under drained
1 35 versus undrained conditions.
2 1 e. The impact of various drainage system designs on the
2 2 contribution of surface water runoff and subsurface water
2 3 drainage to total water flow from the drainage district.
2 4 2. The department shall submit a report to the governor
2 5 and the general assembly which includes a summary of its
2 6 methodology, the findings of the study, and any
2 7 recommendations, by January 15, 2011.
2 8 Sec. 2. FINANCIAL INCENTIVES TO IMPROVE WATERSHED
2 9 STRUCTURES. There is appropriated from the general fund of
2 10 the state to the department of agriculture and land
2 11 stewardship for the fiscal year beginning July 1, 2009, and
2 12 ending June 30, 2010, the following amount, or so much thereof
2 13 as is necessary, to be used for the purposes designated:
2 14 For providing financial incentives to landowners to
2 15 increase the design capacity of conservation structures, such
2 16 as terraces, water control basins, and grade structures, and
2 17 including salaries, support, maintenance, and miscellaneous
2 18 purposes:

2 19 \$ 1,500,000
2 20 1. The moneys appropriated by this section shall be
2 21 allocated to soil and water conservation districts as
2 22 determined by the department. A district's award of financial
2 23 incentives to a landowner shall be made on a cost-share basis
2 24 in the same manner as an award of financial incentives to
2 25 support the voluntary establishment of soil and water
2 26 conservation practices as provided in section 161A.73. A
2 27 district shall award financial incentives to support
2 28 communities which are presented with the most immediate threat
2 29 from an excessive precipitation event.

2 30 2. Notwithstanding section 8.33, moneys appropriated in
2 31 this section to the department of agriculture and land
2 32 stewardship that remain unencumbered or unobligated at the
2 33 close of the fiscal year shall not revert but shall remain
2 34 available for expenditure for the purposes designated until
2 35 the close of the fiscal year beginning July 1, 2012.

3 1 Sec. 3. DEVELOPMENT OF A STATEWIDE FLOODPLAIN MAP USING
3 2 LIDAR. There is appropriated from the general fund of the
3 3 state to the department of agriculture and land stewardship
3 4 for the fiscal year beginning July 1, 2009, and ending June
3 5 30, 2010, the following amount, or so much thereof as is
3 6 necessary, to be used for the purposes designated:

3 7 For developing a statewide map using light detection and
3 8 ranging (LIDAR) technology, including salaries, support,
3 9 maintenance, and miscellaneous purposes:

3 10 \$ 300,000

3 11 1. The maps shall illustrate ground elevations and
3 12 floodplain locations for use in constructing new or improved
3 13 flood control structures, installing new or improved soil
3 14 conservation practices, and preparing comprehensive
3 15 development plans.

3 16 2. The department may cooperate with state agencies
3 17 including the department of natural resources and the
3 18 department of transportation, and federal agencies including
3 19 the United States department of agriculture, natural resources
3 20 conservation service.

3 21 3. Notwithstanding section 8.33, moneys appropriated in
3 22 this section to the department of agriculture and land
3 23 stewardship that remain unencumbered or unobligated at the
3 24 close of the fiscal year shall not revert but shall remain
3 25 available for expenditure for the purposes designated until
3 26 the close of the fiscal year beginning July 1, 2012.

3 27 DIVISION II

3 28 URBAN CONSERVATION

3 29 Sec. 4. SURFACE WATER CONTROL. There is appropriated from
3 30 the general fund of the state to the department of agriculture
3 31 and land stewardship for the fiscal year beginning July 1,
3 32 2009, and ending June 30, 2010, the following amount, or so
3 33 much thereof as is necessary, to be used for the purposes
3 34 designated:

3 35 For purposes of supporting urban conservation efforts to
4 1 provide for effective surface water control, including
4 2 salaries, support, maintenance, miscellaneous purposes, and
4 3 for not more than the following full-time equivalent
4 4 positions:

4 5 \$ 450,000
4 6 FTEs 6.00

4 7 1. The appropriation and authorization of full-time
4 8 equivalent positions provided in this section shall be used to
4 9 supplement the number of technicians employed by the department
4 10 to assist communities in this state to plan strategies for water
4 11 storage, drainage, and movement, including but not limited to
4 12 storm water control measures, as determined by the department.

4 13 2. Notwithstanding section 8.33, moneys appropriated in this
4 14 section to the department of agriculture and land stewardship
4 15 that remain unencumbered or unobligated at the close of the
4 16 fiscal year shall not revert but shall remain available for
4 17 expenditure for the purposes designated until the close of the
4 18 fiscal year beginning July 1, 2012.

4 19 DIVISION III

4 20 EMERGENCY SUPPORT

4 21 Sec. 5. EMERGENCY RESTORATION OF SOIL AND WATER
4 22 CONSERVATION PRACTICES NOT COVERED BY FEDERAL OPERATION AND
4 23 MAINTENANCE AGREEMENTS. There is appropriated from the
4 24 general fund of the state to the department of agriculture and
4 25 land stewardship for the fiscal year beginning July 1, 2009,
4 26 and ending June 30, 2010, the following amount, or so much
4 27 thereof as is necessary, to be used for the purposes
4 28 designated:

4 29 1. For the restoration of permanent soil and water

4 30 conservation practices in order to prevent future erosion, in
4 31 excess of the applicable soil loss limits, caused by the
4 32 disaster emergency associated with the 2008 precipitation
4 33 event:
4 34 \$ 6,000,000
4 35 2. The moneys appropriated in this section shall be used
5 1 to provide one-time financing on a cost-share basis as
5 2 provided in chapter 161A, division V, part 2, to assist
5 3 landowners to reconstruct or repair soil and water
5 4 conservation practices which were constructed or maintained
5 5 under an operation and maintenance agreement executed with the
5 6 United States department of agriculture pursuant to 7 C.F.R.
5 7 pt. 654, if the landowners are not eligible to finance the
5 8 restoration under that agreement.
5 9 3. Notwithstanding section 8.33, moneys appropriated in
5 10 this section to the department of agriculture and land
5 11 stewardship that remain unencumbered or unobligated at the
5 12 close of the fiscal year shall not revert but shall remain
5 13 available for expenditure for the purposes designated until
5 14 the close of the fiscal year beginning July 1, 2012.
5 15 Sec. 6. EMERGENCY LOW-INTEREST LOANS. There is
5 16 appropriated from the general fund of the state to the
5 17 department of agriculture and land stewardship for the fiscal
5 18 year beginning July 1, 2009, and ending June 30, 2010, the
5 19 following amount, or so much thereof as is necessary, to be
5 20 used for the purposes designated:
5 21 1. For the maintenance of soil and water practices,
5 22 including but not limited to terraces, grass waterways, and
5 23 sediment retention basins in order to prevent erosion in
5 24 excess of the applicable soil loss limits, caused by the
5 25 disaster emergency associated with the 2008 precipitation
5 26 event:
5 27 \$ 1,500,000
5 28 2. The moneys appropriated in this section shall be used
5 29 to provide low-interest loans to landowners upon terms and
5 30 conditions established by the department.
5 31 3. Moneys repaid to the department by landowners who have
5 32 received low-interest loans under this section shall be
5 33 deposited in the conservation practices revolving loan fund
5 34 for use as provided in section 161A.71.
5 35 4. Notwithstanding section 8.33, moneys appropriated in
6 1 this section to the department of agriculture and land
6 2 stewardship that remain unencumbered or unobligated at the
6 3 close of the fiscal year shall not revert but shall remain
6 4 available for expenditure for the purposes designated until
6 5 the close of the fiscal year beginning July 1, 2012.
6 6 Sec. 7. EMERGENCY TECHNICAL SUPPORT AND ENGINEERING
6 7 SERVICES. There is appropriated from the general fund of the
6 8 state to the department of agriculture and land stewardship
6 9 for the fiscal year beginning July 1, 2009, and ending June
6 10 30, 2010, the following amount, or so much thereof as is
6 11 necessary, to be used for the purposes designated:
6 12 1. For emergency technical support and engineering
6 13 services required to provide for the restoration of permanent
6 14 soil and water conservation practices in order to prevent
6 15 erosion, in excess of the applicable soil loss limits, caused
6 16 by the disaster emergency associated with the 2008
6 17 precipitation event:
6 18 \$ 3,000,000
6 19 2. The department may allocate the moneys appropriated in
6 20 this section to soil and water conservation districts,
6 21 landowners, or persons providing technical support and
6 22 engineering.
6 23 3. Notwithstanding section 8.33, moneys appropriated in
6 24 this section to the department of agriculture and land
6 25 stewardship that remain unencumbered or unobligated at the
6 26 close of the fiscal year shall not revert but shall remain
6 27 available for expenditure for the purposes designated until
6 28 the close of the fiscal year beginning July 1, 2012.
6 29 Sec. 8. EMERGENCY TECHNICAL PERSONNEL == SOIL AND WATER
6 30 CONSERVATION DISTRICTS. There is appropriated from the
6 31 general fund of the state to the department of agriculture and
6 32 land stewardship for the fiscal year beginning July 1, 2009,
6 33 and ending June 30, 2010, the following amount, or so much
6 34 thereof as is necessary, to be used for the purposes
6 35 designated:
7 1 1. For salaries, support, maintenance, miscellaneous
7 2 purposes, and for not more than the following full-time
7 3 equivalent positions:
7 4 \$ 700,000
7 5 FTEs 20.00

7 6 2. a. The moneys appropriated and the full-time
7 7 equivalent positions authorized in this section shall be
7 8 related to the employment of additional soil conservation
7 9 technicians in order to assist landowners in obtaining state
7 10 and federal assistance to prevent erosion, in excess of the
7 11 applicable soil loss limits, caused by the disaster emergency
7 12 associated with the 2008 precipitation event. The department
7 13 shall assign additional soil conservation technicians to soil
7 14 and water conservation districts according to a priority
7 15 process established by the department.

7 16 b. The moneys appropriated in this section may be used as
7 17 determined by the department to train the additional soil
7 18 conservation technicians, and to assist landowners to receive
7 19 financial incentives awarded pursuant to this Act and chapter
7 20 161A, division V, part 2. The moneys may be used to support
7 21 the purposes of the Iowa resources enhancement and protection
7 22 fund created pursuant to section 455A.18, and the water
7 23 protection fund created in section 161C.4. In addition, the
7 24 moneys may be used to supplement moneys allocated by the
7 25 federal government including under the environmental quality
7 26 incentives program (EQUP), 7 C.F.R. pt. 1466.

7 27 3. Notwithstanding section 8.33, moneys appropriated in
7 28 this section to the department of agriculture and land
7 29 stewardship that remain unencumbered or unobligated at the
7 30 close of the fiscal year shall not revert but shall remain
7 31 available for expenditure for the purposes designated until
7 32 the close of the fiscal year beginning July 1, 2012.

7 33 EXPLANATION

7 34 DIVISION I == LONG-TERM SOIL AND WATER MANAGEMENT
7 35 PRACTICES. This division appropriates moneys to the
8 1 department of agriculture and land stewardship for the fiscal
8 2 year beginning July 1, 2009, for purposes of developing water
8 3 management strategies, including methods to improve long-term
8 4 soil and water management practices. The division
8 5 appropriates moneys to: (1) study the impact of agricultural
8 6 land management on Iowa's hydrology, (2) provide financial
8 7 incentives to increase the design capacity of conservation
8 8 structures, and (3) develop a statewide map using light
8 9 detection and ranging (LIDAR) technology to illustrate ground
8 10 elevations and floodplain locations.

8 11 Moneys appropriated to the department to conduct the study
8 12 are for a two-year period ending June 30, 2011. Moneys
8 13 appropriated to the department for financial incentives and
8 14 developing LIDAR technology are for one fiscal year ending
8 15 June 30, 2010. However, these moneys do not revert at the
8 16 close of the fiscal year but remain available for expenditure
8 17 until the close of the fiscal year beginning July 1, 2012.

8 18 DIVISION II == URBAN CONSERVATION. This division
8 19 appropriates moneys from the general fund of the state to the
8 20 department of agriculture and land stewardship for purposes of
8 21 supporting urban conservation efforts, including by
8 22 supplementing the number of technicians employed by the
8 23 department to assist communities to plan strategies for water
8 24 storage, drainage, and movement.

8 25 Moneys appropriated to the department are for the fiscal
8 26 year ending June 30, 2010. However, these moneys do not
8 27 revert at the close of the fiscal year but remain available
8 28 for expenditure until the close of the fiscal year beginning
8 29 July 1, 2012.

8 30 DIVISION III == EMERGENCY SUPPORT. This division provides
8 31 for a number of appropriations to the department of
8 32 agriculture and land stewardship to be used for the
8 33 restoration of permanent soil and water conservation practices
8 34 in order to prevent future erosion, in excess of applicable
8 35 soil loss limits, associated with the 2008 snowmelt and rains
9 1 (precipitation event). The appropriations are for the
9 2 following purposes:

9 3 1. To provide one-time financing on a cost-share basis to
9 4 reconstruct or repair soil and water conservation practices
9 5 which were constructed or maintained under an operation and
9 6 maintenance agreement executed with the United States
9 7 department of agriculture.

9 8 2. To provide for emergency low-interest loans for the
9 9 maintenance of soil and water practices, including but not
9 10 limited to terraces, grass waterways, and sediment retention
9 11 basins in order to prevent erosion, in excess of the
9 12 applicable soil loss limits, caused by the disaster emergency
9 13 associated with the 2008 precipitation event. Moneys are to
9 14 be repaid to the conservation practices revolving loan fund
9 15 (Code section 161A.71).

9 16 3. To support emergency technical support and engineering

9 17 services for allocation to soil and water conservation
9 18 districts, landowners, or persons providing technical support
9 19 and engineering.
9 20 4. To support additional soil conservation technicians
9 21 assigned to soil and water conservation districts in order to
9 22 assist landowners in obtaining state and federal assistance.
9 23 All unobligated or unexpended moneys that remain
9 24 unencumbered or unobligated at the close of the fiscal year do
9 25 not revert but remain available for expenditure for the
9 26 purposes designated until the close of the fiscal year
9 27 beginning July 1, 2012.
9 28 LSB 1125DP 83
9 29 da/rj/5.1